

EXPRESS MAIL CERTIFICATE

Date _____ Label No. _____
I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04 - 0100



Name (Print) _____

Signature _____

Docket No.: 6670/0K000USO

Customer No.: _____



07278

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mircea-Alexandru MATEESCU et al.

Serial No.: 10/021,691

Filed: November 5, 2001

For: CARDIOPROTECTIVE COMPOSITION COMPRISING CERULOPLASMIN
AND USES THEREOF

REQUEST UNDER 35 CFR § 1.182 TO WITHDRAW JANUARY 15, 2002
NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION,
FILED UNDER 37 CFR § 1.53(b), AND TO HAVE PRESENT SUBMISSION
ACCEPTED AS COMPLETION OF APPLICATION

April 9, 2003

Hon. Assistant Commissioner
of Patents
Washington, DC 20231

Sir:

In response to a Second Filing Receipt Status Request mailed
January 28, 2003, applicants in the above-referenced patent application received

a courtesy copy of a January 15, 2002 notice to file missing parts of this application, mailed March 5, 2003. Copies of the January 31, 2003 status inquiry and the March 5, 2003 courtesy copy of the notice of missing parts are attached hereto behind Tabs 1 and 2, respectively.

Applicants' undersigned counsel respectfully submits that, because it can be demonstrated that the aforesaid January 15, 2002 missing parts notice was not mailed by the USPTO, or received by the undersigned or his firm, until approximately March 5, 2003, it should be deemed a nullity and withdrawn and that, to such extent, this request under 37 CFR § 1.182 should be granted. Further, it is respectfully submitted that all of the enclosures submitted with this request, taken together, constitute a completion of the above-identified application and, therefore, they should be accepted as such.

On March 26, 2003, an associate power of attorney to inspect the subject application file in the USPTO and make copies was given to John Semiklose of J. F. Brown and Associates. Because neither the undersigned nor his firm had previously before March 5, 2003, received any notice of missing parts (or abandonment) in this case, the purpose of engaging Mr. Semiklose was to have him ascertain if and when such notices had been created in the USPTO and when they were first mailed by the USPTO. Mr. Semiklose thereupon carried out his instructions and responded to the undersigned by means of an April 3, 2003 fax, 10 pages long, a copy of which is attached hereto behind Tab 3.

The Tab 3 document reveals that the table of contents of the USPTO file of the subject application records only applicants' original submission, i.e., no filing receipt, no notice of missing parts, and no notice of abandonment, nor any mailing dates for any of them. Of these three, only a copy of a notice of missing parts , dated Janaury 15, 2002, is to be found in the USPTO file

Given that the table of contents of the subject application's USPTO file recites no filing receipt, no notice of missing parts, and no notice of abandonment and no date(s) therefor in its "Date Mailed" column, it is respectfully submitted that, on the basis of the USPTO's own records, there can be no presumption that the USPTO contemporaneously mailed any of these documents to anyone. Indeed, the Tab 3 document shows that the USPTO's records give significant evidence that neither they, nor any one of them, ever left the premises of the USPTO prior to the sending of a courtesy copy of the notice of missing parts on March 5, 2003. It is further respectfully submitted that it follows from this legal reality that present applicants are entitled to have the January 15, 2002 notice of missing parts withdrawn.

That a copy of the January 15, 2002 notice of missing parts found in the subject USPTO file was not received by the undersigned or his firm prior to the March 5, 2003 courtesy copy is corroborated by the April 8, 2003 declaration (and exhibits) of Janet S. Wennberg, Records Department Manager for Darby & Darby, P.C., attached hereto behind Tab 4.

Accordingly, absent any evidence of any proper delivery by the USPTO, or receipt by applicants' counsel, of the January 15, 2002 notice of missing parts, it is a legal nullity and applicants and their counsel respectfully request its withdrawal. They also respectfully request that the fees and documents submitted herewith, taken together, be deemed a proper completion of the subject application, so that substantive examination thereof may proceed.

The fees being submitted herewith have calculated as set forth in the following:

<u>PATENT FEE COMPUTATION SHEET</u>				
	No. of Claims Presented	Extra Claims Previously Paid For	Number of Extra Claims	Rate
Basic Fee				\$750.00
Total Claims	22 - 20	- 0 = 2	x \$18.00	\$36.00
Independent Claims	5 - 3	- 0 = 2	x \$84.00	\$168.00
Multiple Dependent Claims		- if so, add	\$280.00	\$0.00
Surcharge for late submission of filing fee and/or declaration (\$130.00)				\$130.00
SUBTOTAL				\$1,084.00
[X] Small Entity REDUCTION (Half of Subtotal)				\$542.00
Fee for recordation of two assignments (\$40.00 each)				\$80.00
Charge for filing non-English language application (\$130.00)				\$0.00

37 CFR § 1.17(h) fee	\$130.00
TOTAL	\$752.00

and are paid by the accompanying check no. 11671 in the amount of \$752.00.

The documents being submitted herewith are as follows:

1. Oath or Declaration and Power of Attorney, dated November 1, 2001
2. Associate Power of Attorney,
3. Inventors Assignment to Univiersite Au Quebec A Montreal (Québec) CANADA H3C 3P8, dated November 1, 2001
4. University's Assignment to Gestila's Inc., 109 Chemin des Ormes, Ste-Ane des Lacs (Québec) CANADA JOR 1B0, dated December 17, 2001
5. Letter of Assertion on behalf of Gestilab Inc.

Date: April 9, 2003

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
(212) 527-7700

Respectfully submitted,



Walt Thomas Zielinski
Reg. No. 18,902
Attorney for Applicants

EXPRESS MAIL CERTIFICATE

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Name (Print)

Signature

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 6670/0K000US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Mircea-Alexandru **MATEESCU** et al.

Serial No.: 10/021,691

Filed: November 5, 2001

For: **CARDIOPROTECTIVE COMPOSITION COMPRISING
CERULOPLASMIN AND USES THEREOF**

LETTER OF ASSERTION

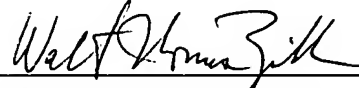
Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

April 8, 2003

Sir:

The patentee claims small entity status pursuant to 37 C.F.R. 1.27 for serial number
10/021,691.

Respectfully submitted,



Walt Thomas Zielinski
Reg. No. 18,902
Attorney for Patentee

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mircea-Alexandru MATEESCU et al.

Serial No.: 10/021,691

Filed: November 5, 2001



Group Art Unit:

Examiner:

For: CARDIOPROTECTIVE COMPOSITION COMPRISING CERULOPLASMIN
AND USES THEREOF

SECOND FILING RECEIPT STATUS REQUEST

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

To date, we have not received a filing receipt for the above-identified patent application. If the receipt has already been sent, please forward a copy for our file. If the receipt has not been sent, please let us know when we can expect to receive it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Peter Ludwig", written over a horizontal line.

S. Peter Ludwig
Reg. No. 25,351

Attorney for Applicant(s)

Dated: January 28, 2003

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
212-527-7700



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER 10/021,691	FILING/RECEIPT DATE 11/05/2001	FIRST NAMED APPLICANT Mircea Alexandru Mateescu	ATTORNEY DOCKET NUMBER 6670/0K000US0
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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

DUE: _____

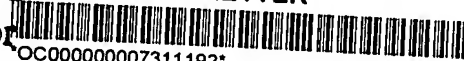
Docketed on _____ by _____ for _____

Docketed without file ☐

Attorney _____

CONFIRMATION NO. 9775

FORMALITIES LETTER



0C00000007311192

Date Mailed: 01/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/11/2003 MMEKONEN 00000032 10021691

01 FC:2001
02 FC:2201
03 FC:2051

375.00 OP
84.00 OP
65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).

SUMMARY OF FEES DUE:

- Total additional claim fee(s) for this application is \$204.
 - \$36 for 2 total claims over 20.
 - \$168 for 2 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1074.

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

04/11/2003 MMEKONEN 00000033

01 FC:2001
02 FC:2201
03 FC:2051
05 FC:1460

375.00 OP
84.00 OP
18.00 OP
65.00 OP
130.00 OP

BEST AVAILABLE COPY

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/021,691	11/05/2001	Mircea Alexandru Mateescu	6670/0K000US0

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

CONFIRMATION NO. 9775

RESEND COVER LETTER



OC000000009596540

Date Mailed: 03/05/2003

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 01/15/2002 is enclosed. The time period for reply continues to run from the mail date of that Notice.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE